

January 28, 2003

Mr. John F. Boles
President and CEO
Motiva Enterprises, L.L.C.
1100 Louisiana
Houston, TX 77002

Dear Mr. Boles:

We are writing to urge your cooperation in providing timely data to the Delaware Department of Natural Resources and Environmental Control (DNREC) regarding the water quality impacts of installing a conventional scrubber at Motiva's Delaware City Refinery.

As you know, the environmental benefit of the proposed amendment to the Motiva-EPA-DNREC Consent Decree is superior air quality in the form of greater SO_x and NO_x emission reductions than under the original Consent Decree. This amendment has the potential to improve air quality and human health in Delaware, yet a final determination on whether the proposed amendment will be a benefit to Delaware's environment and human health cannot be made until there is full disclosure of potential water quality impacts -- particularly any additional mercury and nickel emissions. We strongly believe that sound science should govern the decision-making in this process, yet that process is handicapped when Motiva fails to make the data on water quality impacts available to DNREC's experts.

We have received assurances that the proposed amendment to the Consent Decree will not be finalized until this water quality data is provided, analyzed and addressed, and certainly no water permit will be issued if the water quality poses a real threat to human health. Furthermore, it would seem to be in Motiva's interest to not only provide this data quickly to avoid delays in construction and operation of pollution control equipment, but also to be prepared to speak with DNREC on solutions to water discharge concerns.

We cannot emphasize strongly enough our disappointment in the current delay in providing DNREC this water quality data. We urge you to assign all necessary resources to accelerate the disclosure of this information to DNREC's experts.

Sincerely,

Michael N. Castle

Joseph R. Biden, Jr.

Thomas R. Carper

cc: Kevin Donnelly, Director of Water Resources, DNREC